

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-03438-CV-S-MDH
)	
KEVIN KERR,)	
)	
Defendant.)	

ORDER

Defendant has personally filed a Motion for Discharge from Civil Commitment. (Doc. 37.) In the Motion, Defendant contests his current placement at the United States Penitentiary Allenwood (“USP Allenwood”) in the Transitional Care Unit (“TCU”) because it is a semi-locked unit and he was previously housed in open population (a less restrictive setting) at the Medical Center for Federal Prisoners in Springfield, Missouri. This action has been referred to the undersigned for processing and handling. Upon review, the Motion will be denied without prejudice as unauthorized by law.

Defendant is presently confined at USP Allenwood in the TCU pursuant to an order of commitment under 18 U.S.C. § 4245. (Doc. 13.) Therefore, by law, Defendant is not authorized to personally file a motion to determine whether he should be released. *See United States v. O’Laughlin*, 934 F.3d 840, 841 (8th Cir. 2019) (Section 4247(h) requires that “motions for release from civil commitment be filed by an attorney or legal guardian for the committed person”) *cert. denied*, 140 S.Ct. 2535 (Mar. 23, 2020). Here, the Motion is signed by Defendant only, and not filed by his attorney or legal guardian.

Accordingly, Defendant's *pro se* Motion seeking discharge from civil commitment (doc. 37) is **DENIED** without prejudice as unauthorized by law. The Clerk's Office is directed to send a copy of this Order to Defendant via regular mail.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: March 22, 2022